



## UNITED STATES DISTRICT COURT DISTRICT OF OREGON

### PRO BONO REPRESENTATION PROGRAM

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The following procedures will be followed when a judge seeks appointment of pro bono counsel for a *pro se* litigant.

1. **Decision to appoint:** A judicial officer may consider the appointment of pro bono counsel in a civil action for all purposes, for the limited purpose of reviewing a *pro se* litigant's claims or defenses, or for other specific purposes, such as mediation or settlement conference. The consideration by a judge to appoint pro bono counsel may be initiated in response to a motion for appointment of counsel, or may be entered *sua sponte* by the judge.
2. **List of volunteer counsel:** The Pro Bono Panel Administrator will maintain a current list of attorneys and law firms willing to volunteer for the Pro Bono Representation Program and has the authority in appropriate circumstances to remove a name from the list.
3. **Procedure for appointment:**
  - a. Upon direction from the assigned judge, the Case Manager or Courtroom Deputy Clerk will seek the name of the next pro bono panel attorney / law firm on the current list from the Pro Bono Panel Administrator.
  - b. The name of that attorney / law firm will be inserted by the Case Manager or Courtroom Deputy Clerk into the Order Appointing Pro Bono Counsel.
  - c. The Order Appointing Pro Bono Counsel will direct the appointment of the attorney / law firm and contain the conditions of the appointment (whether it is for all purposes, for the limited purpose of reviewing claims or defenses, or for other specific purposes, such as a mediation or settlement conference). Entry of the Order will also set a public case flag PROBONO.
  - d. During the entry of the Order Appointing Pro Bono Counsel, the Case Manager or Courtroom Deputy Clerk will add the appointed attorney /law firm to the case docket as counsel of record.
  - e. A copy of the Order Appointing Pro Bono Counsel will be conventionally served upon

the *pro se* litigant.

**f.** In addition to the CM/ECF electronic filing notification, a paper copy of the Order Appointing Pro Bono Counsel, a proposed Response to Order form, and a current copy of the case docket, will be conventionally sent to the appointed attorney / law firm.

**4. Response to Order form:**

**a.** If the appointed attorney / law firm has a conflict of interest, then within 12 days from the filing of the Order Appointing Pro Bono Counsel, it must file electronically the Response to Order form indicating the existence of a conflict of interest.

**b.** Upon the filing of a Response to Order by the appointed attorney / law firm stating that a conflict of interest exists, the Case Manager or Courtroom Deputy Clerk will terminate the appointed attorney / law firm from the case as counsel of record. The Case Manager or Courtroom Deputy Clerk shall then seek the name of the next Pro Bono Panel attorney / law firm on the current list from the Pro Bono Panel Administrator and enter a new Order Appointing Pro Bono Counsel. (Return to Step 3(d).)

**c.** If an appointed attorney / law firm fails to timely file the Response to Order, then the Case Manager or Courtroom Deputy Clerk should contact the attorney / law firm and remind it to file the Response. The Case Manager or Courtroom Deputy Clerk shall also advise the assigned judge and Pro Bono Panel Administrator that the Response to Order has not been timely filed. If directed by the assigned judge, the Case Manager or Courtroom Deputy Clerk will seek the name of the next attorney / law firm on the pro bono panel list and file a new Order Appointing Pro Bono Counsel.

**5. Appointments for the limited purpose of reviewing and investigating the *pro se* litigant's claims or defenses:**

**a.** Absent a conflict of interest, the appointed attorney / law firm shall complete a review of the *pro se* litigant's claims or defenses and, within 42 days after the filing of the Order Appointing Pro Bono Counsel, file the Response to Order indicating that the review has been completed and whether representation is accepted or declined.

**b.** The court expects that representation will be accepted if the *pro se* litigant has a factual and legal basis to prevail on any claim or defense.

**c.** A Motion for Extension of Time, that includes the justification for an extension, may be filed if additional time is needed by the attorney / law firm to complete the review.

**d.** If representation by appointed counsel is declined after conducting a review, then the assigned judge will issue an Order Terminating Appointment of Counsel for a Limited Purpose and advise the *pro se* litigant to proceed without counsel. The Case Manager or Courtroom Deputy Clerk will remove the PROBONO case flag. A copy of the Order Terminating Appointment of Counsel shall be conventionally served upon the *pro se*

litigant.

**6. Pleadings and ECF fees:**

**a.** Upon request, the Clerk's Office may provide copies of pleadings not available over the Internet via CM/ECF that are related to the case or appointment of counsel, without cost, to the appointed attorney / law firm.

**b.** Upon written request to the Court (via letter to the Clerk of Court), a court-appointed pro bono attorney may be granted an exemption from electronic public access fees when acting in the matter to which he or she has been appointed.

**c.** Data, dockets, reports and documents obtained by the court-appointed pro bono attorney may not be sold for profit, transferred, or otherwise provided to third parties.

**7. Out-of-pocket expenses:** The amount of reimbursement for out-of-pocket expenses is \$3,000 per case. To obtain payment, the appointed attorney / law firm must electronically file a Motion for Reimbursement of Out-of-Pocket Expenses. A copy of the Order granting the Motion will be submitted by the Clerk for payment from the Attorney Admissions Fund.

**8. Oral Argument:** To provide an opportunity to gain experience in federal court, appointed pro bono attorneys will be allowed, upon request, oral argument on motions in their assigned cases.

**9. Hourly Reporting Requirement:** Effective January 1, 2010, attorneys appointed under the District of Oregon Pro Bono program must report the number of estimated hours spent on pro bono cases on an annual basis using the hourly reporting form available on the Court's website. The reporting form can be submitted at the conclusion of each pro bono appointment or one form may be submitted for all pro bono work performed in the calendar year by the following January 10th (i.e.: work performed between January 1, 2010 and December 31, 2010 must be reported by January 10, 2011).